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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 CARLOS MONTATIOUS STANFORD,

15 Defendant.

Case No. 2:20-MJ-220-DJA

**STIPULATION TO CONTINUE
BENCH TRIAL**
(First Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Rachel Kent, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
20 Andrew Wong, Assistant Federal Public Defender, counsel for Carlos Montatious Stanford,
21 that the bench trial currently scheduled on October 14, 2020 at 9:00 am, be vacated and
22 continued to a date and time convenient to the Court, but no sooner than ninety (90) days.

23 This Stipulation is entered into for the following reasons:

24 1. Defense counsel needs additional time to review discovery and discuss a
25 proposed resolution with Mr. Stanford.
26

2. Denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code § 3161(h)(7)(B)(iv).

This is the first request for a continuance of the bench trial.

DATED this 22nd day of September, 2020.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Andrew Wong
By _____

ANDREW WONG
Assistant Federal Public Defender

/s/ Rachel Kent
By _____

RACHEL KENT
Special Assistant United States Attorney

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS MONTATIOUS STANFORD,

Defendant.

Case No. 2:20-MJ-220-DJA

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The defendant is scheduled to be transported to a Bureau of Prisons facility for purposes of an evaluation.

2. Counsel for the defendant needs the additional time for said evaluation to be completed.

3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the first request for a continuance of the bench trial.

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
8 United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18,
9 United States Code, § 316(h)(7)(B)(iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,
12 October 14, 2020, at 9:00 a.m., be vacated and continued to January 27, 2021 at the hour of
13 9:00 am in Courtroom 3A.

14 DATED this 24th day of September, 2020.

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17 UNITED STATES MAGISTRATE JUDGE
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